

Serial No.: 09/935,904

### **Remarks**

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

#### ***Election/Restriction***

Restriction to one of the following inventions has been required under 35 U.S.C. § 121:

- I. Claims 1-18 and 22-24, drawn to a system of measuring, classified in class 99; and
- II. Claims 19-21, drawn to a method of making a leavened food product, classified in class 426, subclass 231.

The claims of Group I, claims 1-18 and 22-24 are hereby elected for substantive examination with traverse.

The Examiner has taken the position that the apparatus as claimed can be used to practice another and materially different process. However, claim 18, which requires a controller to control time and temperature for baking dough based on input from a carbon dioxide sensor, would not be used for a materially different process. The claimed method of making a food product, which includes the steps of mixing ingredients that include a leavening agent to form a dough, detecting and monitoring carbon dioxide produced by the leavening agent and controlling further processing of the dough based on the production of the carbon dioxide by the leavening agent, would be covered by the same search as claim 18.


Consequently, the undersigned respectfully requests examination of all of the claims.

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Withdrawal of the restriction requirement and examination of all of the claims is respectfully requested.

Respectfully submitted,

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